

Subj: [redacted]

322

7 April 1953

STATINTL



Dear [redacted]

STATINTL

The matter of the overpayment of salary to you by this Agency has been referred to this office for appropriate action. We refer to the previous letters to you, the letter from Mr. George Meloon dated 2 November 1952, and the letter from Mr. E. R. Saunders dated 4 February 1953. It is believed that the information contained in those letters, with attachments, was self-explanatory.

It appears that there is a clear obligation on your part to make immediate restitution of the amounts overpaid to you by the Government. The acceptance and retention by you of these amounts is clearly in contravention of existing laws. The Criminal Code of the United States provides:

"Whoever, being an officer, employee or agent of any department or agency thereof, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law is guilty of embezzlement, and shall be fined in a sum equal to the amount of money embezzled or imprisoned not more than ten years, or both; but if the amount embezzled does not exceed \$100, he shall be fined not more than \$1,000 or imprisoned not more than one year, or both." Section 643, Title 18, United States Code (Act of June 25, 1948, c. 645, 62 Stat. 726).

Your services with the Government were terminated on 19 July 1952 and on 19 September 1952 you were interviewed for the purpose of advising you of this overpayment. The passage of time since this matter was brought to your attention is such that immediate consideration must now be given appropriate methods of obtaining restitution.

In view of the above, it is requested that we have your check in the amount of \$5,339.97 erroneously paid to you by the Government and at the present time wrongfully retained by you. Instructions as to the manner of forwarding your check have been previously furnished you. In the event this account is not settled by 1 May 1953 we have no alternative but to forward the entire matter to the General Accounting Office, which is charged by law under Section 71 of Title 31, United States Code, with settling claims by the Government. Any decision to institute collection or other legal proceedings, in conjunction with the Department of Justice, will be made by that office.

Very truly yours,

STATINTL


Acting General Counsel

OCC/JSW/GHK:apf

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